

JOSEPH ANTHOFER

8041 Manderson Circle
Omaha, Nebraska 68134
Phone (402) 572-8368
Fax (402) 572-8371
E-mail address—jdanthofer@aol.com

EXPERIENCE

August 1971 to November 1999

RAILROAD ATTORNEY. Union Pacific Railroad Company, Omaha, Nebraska. Substantial involvement in railroad labor matters. Experience with issues such as whether Interstate Commerce Commission/Surface Transportation Board (ICC/STB) authority was required for transactions including abandonment of trackage, acquisition, sale and lease of trackage, mergers and trackage rights operation, and the level of labor protection to be imposed by ICC/STB if authority were required, e.g., Oregon Short Line, New York Dock or Mendocino. Substantial experience in appealing and defending appeals of arbitrators' decisions to ICC/STB. Working knowledge of ICC/STB's appellate procedure and substantive law, including Lace Curtain standard to determine when STB will review arbitration decision.. Work as both an arbitrator on an arbitration panel considering railroad contract issues and in arbitrating commercial issues to a neutral arbitrator.

Practice before the ICC/STB, circuit courts of appeals and state public service commissions. Administrative hearings, formal complaint proceedings, applications for agency authorization and judicial review. Substantial litigation and licensing experience before federal and state regulatory agencies. Experience before federal, state and county courts.

Significant involvement as lead counsel in defending formal complaints and actions filed against the Nation's railroads. Negotiated settlement of formal complaints. Involved in negotiating, drafting, interpreting and litigation of transportation contracts with shippers. Responsible for legal issues and contract negotiation, drafting, interpretation and litigation for redeployment of assets through sale, lease and abandonment of excess trackage. Legal responsibility for progressing track abandonments before ICC/STB. Handled legal issues for private and for-hire motor carrier operation. Supervised and worked with retained counsel. Involved in federal and state legislative issues.

Researched legal questions presented by company management and provided opinions recommending course of action. Experience in handling and litigating loss and damage claims, collection of transportation charges and eminent domain. Environmental experience. Organized and led meetings to discuss and resolve company problems and to prepare for litigation.

Experienced in corporate, administrative and regulatory law, including federal court and Court of Claims matters, appellate actions before circuit courts of appeals and litigation and licensing issues before administrative agencies. .

November 1999 to the Present

PRIVATE PRACTICE. Railroad transportation practice, including assistance to small railroads and shippers, contract review and drafting, appointment to a three member arbitration panel to resolve railroad contract issues and rail car leasing.

General practice, including matters such as preparing grant proposals for non-profit entities, wills, powers of attorney, living wills, disagreement on the burial site for an individual, a county's obligation to maintain a road, preservation of a Pioneer cemetery, Fair Debt Collection Practices Act issues, "slip and fall" cases, and review and drafting of commercial contracts.

MILITARY SERVICE

June 1968 to June 1970

U.S. ARMY. Infantry, Ft. Dix, N.J., Custodian of Classified Documents, U.S Army Tropic Test Center, Corozal, Canal Zone. Secret Clearance.

EDUCATION

1968, Creighton University School of Law, Omaha, Nebraska, Juris Doctor degree.

1965, Creighton University College of Arts and Sciences, Bachelor of Arts degree.

ADMITTED TO PRACTICE

Nebraska and Colorado (inactive), Surface Transportation Board, U.S. Court of Claims, U.S. Courts of Appeals for the 7th, 9th, 10th and District of Columbia Circuits.

VOLUNTEER WORK

Service Corps of Retired Executives (SCORE), Omaha, Nebraska, volunteer work counseling start-up businesses.

Boys Town/Girls Town, Omaha, Nebraska, volunteer in mentoring program (reading) at Wegner Middle School.

Nebraska Bar Association, Volunteer Lawyers Project..